

By

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: YUHPYNG L. CHEN :

Examiner: Jones, D.

APPLICATION NO.: 09/580,281 :

Group Art Unit: 1614

FILING DATE: May 30, 2000 :

TITLE: CORTICOTROPIN RELEASING
FACTOR ANTAGONISTS :

Commissioner for Patents
Washington, D.C. 20231

Communication in Response to September 27, 2001 Office Action

Sir:

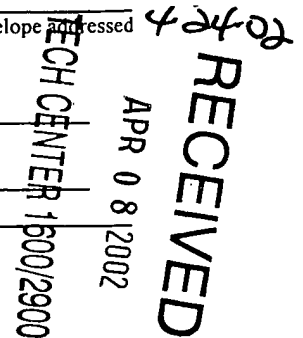
This Communication is submitted in response to the Office Action issued by the United States Patent and Trademark Office on September 27, 2001 in connection with the above-identified patent application. A response to the September 27, 2001 Office Action was originally due one month from the mailing date thereof, i.e. by October 27, 2001. Applicant is filing herewith a Petition requesting a five month extension of time for responding to the September 27, 2001 Office Action, whereby the due date for responding to said Office Action will be extended to March 27, 2002. The fee for the five month extension of time is authorized in said Petition. Accordingly, this Communication is being filed.

Claims 1-28 are pending in the subject application.

In the September 27, 2001 Office Action, the Examiner stated that the claims of the subject application should be restricted to the following Groups: I. Claims 1-14, directed to a method of use; II. Claims 15 and 16, directed to compounds; III. Claims 17-22, directed to method of use; IV. Claims 23-28, directed to compounds.

The Examiner asserted that the claims of the aforementioned groups are directed to distinct inventions.

According to the Examiner, Groups I and II are related as product and process of use. In this regard, the Examiner asserted that the process of use can be practiced by using another materially different product, for example Prozac.



The Examiner asserted that Groups I and II, III, and IV are unrelated. The Examiner asserted that Group IV is directed to compounds that are structurally different from the compounds of Group I. The Examiner also asserted that the methods of use of Group III are different than those of Group II. The Examiner further stated that Group IV is supposedly separate from Groups II and III because the methods of Groups II and III can allegedly be practiced using another materially different product, for example the compounds of Group I.

Based on the Examiner's reasons for requiring restriction as discussed in the preceding paragraphs, it appears that the claims of Group I are directed to compounds and that the claims of Group II are directed to a method of use. Clarification is requested.

Regardless, applicant elects Group I, claims 1-14, directed to compounds and pharmaceutical compositions. Applicant traverses the restriction between the claims of Groups I and II, since the U.S. Patent Office most often permits an applicant to claim a method of use along with claims directed to compounds. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the restriction between the claims of Groups I and II.

The Examiner also stated that claims 1 and 2 of the subject application are generic to a plurality of disclosed supposedly patentably distinct species comprising allegedly various compounds represented by the variables of A, Y, B, R₁-R₁₇. The Examiner required that applicant elect a single disclosed species. Furthermore, the Examiner asserted that claims 15 and 16 are generic to a plurality of supposedly patentably distinct species comprising an allegedly sundry of disorders. The Examiner required that applicant elect a single disclosed disorder.

The Examiner's assertions with respect to claims 20 and 26 regarding the species encompassed thereby are moot in view of applicant's election of Group I.

In response, applicant elects, with traverse, the title compound of Example 25, page 57, of the subject application, namely [2,5-dimethyl-6-(tetrahydrofuran-3-yloxy)-pyrimidin-4-yl]-(2,4,6-trimethylphenyl)-amine. Applicant furthermore elects, with traverse, the disorder "depression". Applicant traverses the requirement to elect a single disclosed species because applicant should not be required to restrict her claims to a single compound and a single disorder. Rather, applicant asserts that the Examiner should follow the practice set forth in the MPEP whereby an Examiner examines further species should the elected species be deemed allowable.

Should a telephone interview be of assistance in advancing the prosecution of the subject application, the Examiner is kindly invited to telephone applicant's undersigned attorney at the number provided.

No fee, other than the fee for the five month extension of time, payment of which is authorized in the Petition filed herewith, is believed necessary in connection with filing this Communication. However, if any other fee is determined necessary in connection with filing this Communication, such additional fee may be charged to Deposit Account No. 16-1445.

Respectfully submitted,

Date: March 27, 2002

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